

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|---------|
| UNITED STATES OF AMERICA, |) | 8:07CR1 |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| MICHAEL FOSTER, |) | |
| |) | |
| Defendant. |) | |

Before the court is the government's motion for Rule 35(b) hearing. Filing No. 19. Having considered the matter,

IT IS ORDERED that:

1. A hearing on the government's Rule 35 motion is scheduled for hearing before the undersigned on **November 2, 2007, at 3:30 p.m.** in Courtroom No. 3, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska.

2. At the request of the defendant through his counsel, and with the agreement of the government, the defendant may be absent from the hearing on the Rule 35 motion.

3. The Marshal will not return the defendant to the district, and the defendant is held to have waived his right to be present. If the defendant wishes to participate telephonically in the hearing, his attorney must notify chambers at least 24 hours before the hearing of the telephone number and contact person at the institution which defendant is incarcerated.

DATED this 23rd day of October, 2007.

BY THE COURT:

s/ Joseph F. Bataillon
JOSEPH F. BATAILLON
United States District Judge